



Hamilton

## INFORMATION REPORT

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	July 6, 2022
<b>SUBJECT/REPORT NO:</b>	Addressing the Need for the Certificate of Recognition (COR™) Program (PW22060) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Vargas (905) 546-2424 Ext. 3867 Amanda Pavao (905) 546-2424 Ext. 6390
<b>SUBMITTED BY:</b>	Pat Leishman Director, Corporate Asset Management Public Works Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

At the February 22, 2019 Public Works Committee Meeting, Council was presented an update by Ken Rayner, a representative from the Infrastructure Health & Safety Association (IHSA), on current trends related to Municipalities mandating COR certification as a part of their procurement process for construction projects.

Information was shared about other Buyers supporting COR and the benefits of COR. Council at PW Committee then directed staff to review the presentation and handouts from Ken Rayner, respecting the Certificate of Recognition (COR™) Program, and report back to the Public Works Committee, including a recommendation regarding the City of Hamilton's involvement in the Program.

The purpose of this information report is to update Committee respecting the implementation of the COR program for vendors to participate in or hold a health and safety management program accreditation in order to be awarded a construction contract, and to explain the reasons staff does not recommend implementation of the program.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

## **INFORMATION**

As directed by Council on February 22, 2019, staff have reviewed the presentation and handouts from Ken Rayner, Infrastructure Health & Safety Association (IHSA), respecting the Certificate of Recognition (COR™) Program. Throughout the review process staff engaged with other municipalities to understand trends, reviewed current Ministry of Labour requirements and programs, and engaged with Health, Safety and Wellness. As well, staff reviewed the current internal practices as it relates to health and safety incidents on Public Works construction sites. Accounting for all considerations, staff does not recommend implementing a restriction upon vendors to participate in or hold a health and safety management program accreditation in order to be awarded a construction contract.

The City of Hamilton requires all vendors to comply with the Occupational Health and Safety Act Ontario (OHSA) which sets out the rights and duties of all parties in the workplace, as well as the procedures for dealing with workplace hazards and for enforcement as needed.

As a result of the review completed by staff, the findings indicate that recent changes to the Ministry of Labour's Supporting Ontario's Safe Employers Program (SOSE) and the addition of incentives for those companies that achieve accreditation by the Chief Prevention Officer (CPO) for an occupational health and safety management system, provide less of a requirement for municipalities to mandate a Health and Safety Management System for vendors. SOSE recognizes the following management systems for accreditation:

- ISO 45001:2018: Occupational health and safety management systems;
- CSA Z45001-19: Occupational health and safety management systems;
- BS OHSAS 18001: 2007: Occupational health and safety management system;
- and,
- IHSA COR™ 2020 – IHSA Certificate of Recognition 2020-Health and Safety Management System.

Data provided by the Procurement Section regarding Public Works Department construction contracts awarded from January 1, 2019 to October 31, 2021 indicates that 64% of construction dollars awarded went to COR certified vendors within that timeframe. This data shows that many construction vendors are already proceeding with incorporating a Health and Safety Management System without it being mandated by Buyers. In addition, Public Works staff currently has processes in place for monitoring and tracking of construction related health and safety incidents. These processes include the requirement for vendors to report health and safety incidents and near misses to City staff, documenting health and safety incidents and storing these within project documentation files and regularly scheduled project meetings with an agenda

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that includes health and safety as a recurring topic. The City has not in past history observed issues or had any concerns with the construction safety record.

Regarding external engagement with neighbouring municipalities, the following table highlights some of the feedback received. To summarize, none of the municipalities indicated that they implemented COR due to health and safety issues, nor did they highlight any health and safety improvements to date after implementing the program.

Furthermore, the City of Toronto has also implemented COR and advised that on occasion they hear concerns regarding the Infrastructure Health & Safety Association’s ability to review and provide the certification/re-certification in a timely manner, which can have an impact on a bidder's ability to bid on a contract.

<b>Inquiry</b>	City of Ottawa	City of Mississauga	City of Vaughan	City of Brampton	Region of Peel
What was the driver to implement COR?	Starting in 2023 there are plans to phase in additional health and safety certifications with COR being one of them.	It aligns with our Sustainable Procurement Policy and with our neighbouring municipalities who all draw from the same contractor pool.	The City wanted to set a tone in the industry that we take Health & Safety very seriously and that in doing so we would hold our Contractors to a high standard. It was part of our H&S commitment to Council.	Sends a message that safety and safe working environments are a priority for the City of Brampton	Has not adopted COR
Did you implement COR due to issues related to H&S with Contractors?	Planned implementation relates to continuous improvement.	No particular issues.	There were not specific issues that arose prompting us to implement COR.	No particular issues identified.	N/A

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If Council is not supportive of the recommendation in this information report, alternative options could include:

- 1) Return to Council with an Information Report to analyse future trends with other municipalities regarding the implementation of mandatory Health and Safety Programs for vendors. Staff will continue to monitor the trends, compile data as it relates to the City of Hamilton's vendors awarded construction contracts and report back by end of Q4 2023 with the findings and further recommendations; and
- 2) That the City of Hamilton implement the requirement for Construction Contracts to mandate that bidders MUST be certified by MOL, Chief Prevention Officer (CPO) prior to the award of any new contract. This alternative is not recommended as it would reduce the number of eligible bidders to a Request for Tender or Request of Proposal process.

Staff does not recommend implementing the COR program given the analysis detailed. Implementation of the COR program would implicate the Procurement Policy, By-law 20-205, as amended.

The following internal stakeholders were consulted and agree with the recommendation in this information report:

- Procurement Section, Corporate Services Department;
- Engineering Services Division, Public Works Department;
- Energy, Fleet and Facilities Management Division, Public Works Department;
- Hamilton Water Division, Public Works Department;
- Transportation Operations and Maintenance Division, Public Works Department;
- Environmental Services Division, Public Works Department; and
- Health, Safety and Wellness Section, City Manager's Office

**APPENDICES AND SCHEDULES ATTACHED**

N/A